

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2005/001041

International filing date (day/month/year)
13.04.2005

Priority date (day/month/year)
14.04.2004

International Patent Classification (IPC) or both national classification and IPC
A47L15/44, D06F39/02

Applicant
ELTEK S.P.A.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA220.

3. For further details, see notes to Form PCT/ISA220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/001041

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
☒ claims Nos. 4-32, 36, 41-44, 47-66, 70, 75, 77-87, 90-101

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the whole application or for said claims Nos. 4-32, 36, 41-44, 47-66, 70, 75, 77-87, 90-101
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
- | | |
|----------------------------|--|
| the written form | <input type="checkbox"/> has not been furnished |
| | <input type="checkbox"/> does not comply with the standard |
| the computer readable form | <input type="checkbox"/> has not been furnished |
| | <input type="checkbox"/> does not comply with the standard |
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
- ☒ See separate sheet for further details

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/001041

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
- ☒ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ not paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
 - ☒ the parts relating to claims Nos. 1-3, 33-35, 37-40, 45, 46, 67-69, 71-74, 76, 88, 89

Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|--|
| Novelty (N) | Yes: Claims | 34, 35, 37, 38, 40, 45, 46, 67-69, 71-74, 76, 88, 89 |
| | No: Claims | 1-3, 33, 39 |
| Inventive step (IS) | Yes: Claims | 45, 46, 67-69, 71-74, 76, 88, 89 |
| | No: Claims | 1-3, 33-35, 37-40 |
| Industrial applicability (IA) | Yes: Claims | 1-3, 33-35, 37-40, 45, 46, 67-69, 71-74, 76, 88, 89 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Re Item III.

Claims 4-66, 70, 75, 77-87, 90-101 has not been searched because the non-unity problem explained in Re Item IV.

Re Item IV.

The separate inventions/groups of inventions are:

Device claims:

Group 1: Claims 1-3, 67-69, 71-74, 76, 88, 89 (see text claim 1-3 and 67).

Group 2: Claims 4, 5, 67-69 (see text claim 4).

Group 3: Claims 6, 67-69 (see text claim 6).

Group 4 : Claims 7-11, 16-21, 24-30, 39-47, 49, 50, 54-56, 60, 63-69, 88, 89 (see text claim 7).

Group 5: Claims 12-21, 24-30, 39-47, 50, 53, 54, 64-69, 88, 89 (see text claim 12).

Group 6: Claims 22-30, 41-47, 50, 61, 88, 89 (see text claim 22).

Group 7: Claims: 31, 34, 35, 37-40, 45, 46, 67-69, 85, 88, 89 (see text claim 31).

Group 8: Claims 32, 34-40, 45, 46, 67-69, 88, 89 (see text claim 32).

Group 9: Claims 33-35, 37-40, 45, 46, 67-69, 88, 89 (see text claim 33).

Group 10: Claims 48-50, 67-69, 88, 89 (see text claim 48).

Group 11: Claims 51-62, 67-69, 88, 89 (see text claim 51).

Group 12: Claims 70-76, 88, 89 (see text claim 70).

Group 13: Claims 77-82, 88, 89 (see text claim 77).

Group 14: Claims 83, 84, 88, 89 (see text claim 83).

Group 15: Claims 86-89 (see text claim 86).

Method claims:

Group 16: Claims 90-96 (see text claim 90)

Group 17: Claims 97-99 (see text claim 97)

Group 18: Claim 100 (see text claim 100).

Group 19 : Claim 101 (see text claim 101).

Document DE 19520341 (Bosch-Siemens Haushaltgeräte GmbH) describes a device according to claims 1 and 2 and 3 (see fig.1; col 2, lines 47-56).

The first inventive subject matter is now contained in claim 67 depending of claim 3, which is depending of claim 2, which is depending of claim 1. See text claim 1 and claim 2 and claim 3 and claim 67.

Now the special technical inventive feature is " **that said body comprises a plurality**

of containers for said elements and/or substances".

The subject matters of claims 4, 6, 7, 12, 22, 31, 32, 33, 48, 51, 70, 77, 83, 86, 90, 97, 100, 101 which are not sharing this special technical inventive feature are obviously not so linked with this first found inventive subject matter so as to form a single general inventive concept (Rule 13.1 PCT) (see corresponding text of all those claims).

Re Item V.

1. Reference is made to the following documents:

D1 : DE 195 20 341 A1 (BOSCH-SIEMENS HAUSGERAETE GMBH, 81669 MUENCHEN, DE) 5 December 1996 (1996-12-05)

D2 : PATENT ABSTRACTS OF JAPAN vol. 2003, no. 04, 2 April 2003 (2003-04-02) - & JP 2002 353676 A (MATSUSHITA ELECTRIC WORKS LTD; MEIJI NATL IND CO LTD), 6 December 2002 (2002-12-06)

D3 : PATENT ABSTRACTS OF JAPAN vol. 007, no. 110 (M-214), 13 May 1983 (1983-05-13) - & JP 58 031229 A (MATSUSHITA DENKI SANGYO KK), 23 February 1983 (1983-02-23)

D4: DE 196 02 443 A1 (DRUEPPEL, CHRISTIAN M., DIPL.-OEC., 45768 MARL, DE; DRUEPPEL, CHRISTIA) 31 July 1997 (1997-07-31)

D5: US-A-5 694 794 (JERG ET AL) 9 December 1997 (1997-12-09)

D6: DE 195 40 958 A1 (AEG HAUSGERAETE GMBH, 90429 NUERNBERG, DE) 7 May 1997 (1997-05-07)

2. INDEPENDENT CLAIM 1

- 2.1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. Document D1 discloses (the references in parentheses applying to this document) (see fig. 1; col. 2, lines 46-56):

A device comprising a body (8) and being structured in such a way as to prevent any deterioration of elements (14) being present in said body (8) and/or in such a way as to prevent any abnormal behaviour of inner parts (14) being present in said body (8), said device being suitable for being mounted or used on or in combination with apparatus (oven (16)) capable of producing temperature variations, in particular temperature rises, during at least one phase of the operation of said apparatus (oven).

2.2. Claim 1 is also not new with regards of D2, D3 or D4.

See for D2 the figures 1, 8 and the abstract.

See for D3 the figures 3, 4 and the abstract.

See for D4: col. 3, lines 43-49; col. 5, lines 43-56; claims; fig. 1.

3. DEPENDENT CLAIMS 2, 3, 33-35, 37-40.

Dependent claims 2, 3, 33-35, 37-40 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

See D1 (fig. 1; col. 2, lines 46-56), D2 (figures 1, 8; abstract) and D3 (figures 3, 4; abstract) for claims 2, 3

See D4 (col. 3, lines 43-49; col. 5, lines 43-56; claims; fig. 1) for claims 33, 39.

See D5 (fig. 7; Abstract) for claims 33-35.

See D6 (the whole document) for claims 33-35, 37, 38, 40.